

EDWARD H. KUBO, JR. #2499  
United States Attorney  
District of Hawaii

FLORENCE T. NAKAKUNI #2286  
Chief, Drug/Organized Crime Section

LOUIS A. BRACCO  
Assistant U.S. Attorney  
Room 6100, PJKK Federal Building  
300 Ala Moana Blvd., Box 50183  
Honolulu, Hawaii 96850  
Telephone: (808) 541-2850  
Facsimile: (808) 541-2958  
Email: [lou.bracco@usdoj.gov](mailto:lou.bracco@usdoj.gov)

Attorneys for Plaintiff  
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	CR. NO. 05-00217 DAE
	)	
Plaintiff,	)	GOVERNMENT'S SENTENCING
	)	STATEMENT; CERTIFICATE
vs.	)	OF SERVICE
	)	
HUGO SERNA,	)	
	)	DATE: August 21, 2006
Defendant.	)	TIME: 2:15 p.m.
	)	JUDGE: David A. Ezra
	)	

GOVERNMENT'S SENTENCING STATEMENT

A. Introduction

Defendant HUGO SERNA ("Serna") appears before this Court for sentencing based upon his guilty plea. On February 15, 2006, Defendant Serna pled guilty to conspiracy to

distribute/possess with intent to distribute in excess of 500 grams of a methamphetamine mixture in violation of 21 U.S.C. §§ 841(a)(1) and 846.

B. Discussion

Government counsel has reviewed the draft Presentence Report prepared by U.S. Probation Officer Roy Kawamoto dated June 16, 2006. We agree with the factual information<sup>1</sup> contained in the Presentence Report, as well as the calculation of the base offense level (level 36) and the total adjusted offense level (level 33).

We also agree with the determination that the Defendant's Criminal History Category is IV, and that the advisory Guideline range for imprisonment is 188-235 months. A 10-year statutory mandatory minimum term also applies.

C. Forfeitures

No criminal forfeitures are involved in this prosecution.

D. Motion for One-Level "Super Acceptance  
Credit Pursuant to Guideline § 3E1.1(b)(2)

The United States Attorney acknowledges that the Defendant's agreement to plead guilty and entry of guilty plea

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<sup>1</sup> The cover sheet of the draft Presentence Report incorrectly indicates that attorney Richard Gronna is CJA counsel for Defendant Serna. Mainland attorney Robert W. Lyons is Defendant Serna's retained attorney; Mr. Gronna is currently acting as local counsel only.

were noticed in a timely manner, so as to permit the Government to avoid preparing for trial as to the Defendant. Accordingly, we herein move for a one-level reduction in sentencing offense level pursuant to Guideline § 3E1.1(b)(2), as the Defendant appears eligible for this benefit. (PSR ¶ 24 has already credited the Defendant with this one-level reduction.)

DATED: June 19, 2006, at Honolulu, Hawaii.

Respectfully submitted,

EDWARD H. KUBO, JR.  
United States Attorney  
District of Hawaii

By /s/ Louis A. Bracco  
LOUIS A. BRACCO  
Assistant U. S. Attorney

Attorneys for Plaintiff  
UNITED STATES OF AMERICA

CERTIFICATE OF SERVICE

I hereby certify that, on the dates and by the methods of service noted below, a true and correct copy of the foregoing was served on the following at their last known addresses:

Served by First Class Mail:

Robert W. Lyons, Esq.  
Law Offices of Robert W. Lyons  
295 West Winton Avenue  
Hayward, California 94544

June 20, 2006

Attorney for Defendant HUGO SERNA

Richard D. Gronna, Esq.  
Haseko Center  
820 Mililani St Ste 812  
Honolulu, HI 96813

June 20, 2006

Local counsel for Defendant HUGO SERNA

Served by hand-delivery:

Roy Kawamoto  
United States Probation Office  
U.S. Courthouse, Room C-110  
300 Ala Moana Boulevard  
Honolulu, HI 96850

June 20, 2006

DATED: June 20, 2006, at Honolulu, Hawaii.

/s/ Shelli Ann H. Mizukami